

1 GREENBERG TRAURIG, LLP
2 IAN C. BALLON (SBN 141819)
3 WENDY M. MANTELL (SBN 225544)
4 LORI CHANG (SBN 228142)
5 2450 COLORADO AVENUE, SUITE 400E
6 Santa Monica, California 90404
7 Telephone: (310) 586-7700
8 Facsimile: (310) 586-7800
9 Email: balloni@gtlaw.com,
mantellw@gtlaw.com, changl@gtlaw.com

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11 Attorneys for Plaintiff
12 MYSPACE, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MYSPACE, INC., a Delaware
Corporation,
Plaintiff,
vs.
SANFORD WALLACE D/B/A
FREEVEGASCLUBS.COM, REAL-
VEGAS-SINS.COM, and FEEBLE
MINDED PRODUCTIONS, an
individual; WALTER RINES, an
individual; ONLINE TURBO
MERCHANT, INC., a corporation;
and ODYSSEUS MARKETING,
INC., a corporation,
Defendants.

CASE NO. CV-07-1929 ABC (AGRx)

**DECLARATION OF KEVIN
DATOO IN SUPPORT OF
MYSSPACE, INC.'S MOTION FOR
DEFAULT JUDGMENTS AGAINST
DEFENDANTS SANFORD
WALLACE AND WALTER RINES**

Filed Concurrently With:
**Notice of Motion and Motion;
Memorandum of Points and
Authorities; Declarations of Lori
Chang Shing, Yin Khor and Joseph
Marotta; and [Proposed] Order.**

Date: May 12, 2008
Time: 10:00 a.m.
Crm: 680
Judge: Hon. Audrey B. Collins

DECLARATION OF KEVIN DATOO

I, Kevin Datoo, do declare as follows:

1. I am the Vice-President of Corporate Development/Mergers and Acquisitions for Fox Interactive Media (FIM). The following facts are known by me to be true and correct and if called as a witness I could and would competently testify thereto under oath.

2. MySpace, Inc. ("MySpace") is the owner of federally registered trademarks for MYSPACE and MYSPACE A PLACE FOR FRIENDS and design, among others. Attached hereto as Exhibit A is a true and correct copy of MySpace's Certificates of registration from the United States Patent and Trademark Office for the MYSPACE and MYSPACE A PLACE FOR FRIENDS and design trademarks. Attached hereto as Exhibit B is a chart of MySpace's current trademark registrations worldwide, of which there are 71.

3. Since its launch in mid-2003, *MySpace.com* has become the second most visited website in the world, attracting more than 220 million registered users and generating more than 27 billion page views per month.

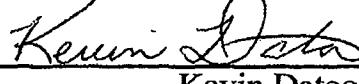
4. In July 2006, as reported by the popular press, the *MySpace.com* website ranked first for the most page views, topping Yahoo Mail, Yahoo, Google and MSN. Attached hereto as Exhibit C is a true and correct copy of a July 12, 2006 article that appeared on *cbsnews.com* entitled "MySpace Pulls Ahead In Page View Race" reporting that fact. As of December 2007, as reported by ComScore Media Metrics, MySpace still held the position of first ranked web domain in terms of page views among the top 2000 domains.

5. MySpace is consistently reported about in the press. Attached hereto as Exhibit D are true and correct copies of various articles about MySpace that appeared in the popular press in January and February 2008.

6. MySpace spent \$2.6 million in 2007 promoting the MySpace trademarks and brand through sponsorship or promotion of concerts, live music and video streaming

1 events, industry events and conferences, parties, and festivals. It is forecasted that
2 MySpace will spend \$8 million in 2008 on similar promotional advertising.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this Declaration was executed on April 18, 2008 at
5 Beverly Hills, California.

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7 Kevin Datoo

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 2450 Colorado Avenue, Suite 400E, Santa Monica, California 90404.

On April 18, 2008, I served the **DECLARATION OF KEVIN DATOO IN SUPPORT PLAINTIFF MYSPACE, INC.'S NOTICE OF MOTION AND MOTION FOR DEFAULT JUDGMENTS AGAINST DEFENDANTS SANFORD WALLACE AND WALTER RINES**; on the interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope, postage prepaid, addressed as follows:

(BY MAIL)

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Santa Monica, California, in the ordinary course of such business.

Sanford Wallace
7800 S. Rainbow Blvd., Apt. 1118
Building 26
Las Vegas, NV 89139

Walter Rines
6 Laurel Lane
Stratham, NH 03885

Sanford Wallace
6130 W. Flamingo Rd. #205
Las Vegas, NV 89103

 (BY OVERNITE EXPRESS)

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for delivery by Overnite Express. Under the practice it would be deposited with Overnite Express on that same day with postage thereon fully prepared at Santa Monica, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if delivery by Overnite Express is more than one day after date of deposit with Overnite Express.

Sanford Wallace
7800 S. Rainbow Blvd., Apt. 1118
Building 26
Las Vegas, NV 89139

Sanford Wallace
6130 W. Flamingo Rd. #205
Las Vegas, NV 89103

(FEDERAL)

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 18, 2008, at Santa Monica, California

fornia

Signature
Jacquelyn Zwirn
Print Name